



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 093
TRENTON, NJ 08625-093

JOHN J. HOFFMAN
Acting Attorney General

JEFFREY S. JACOBSON
Director

July 27, 2023

Patricia Gardner, Director
Water Monitoring and Standards
New Jersey Department of Environmental Protection
401 East State Street, Floor 2 West
P.O. Box 049
Trenton, NJ 08625

Re: New Jersey Surface Water Quality Standards
Delaware River Basin Commission, PCB Criteria

Dear Ms. Garnder:

By letter dated January 11, 2010, enclosed herein, DAG Jane Engel previously certified, pursuant to 40 C.F.R. 131.6(e), that the New Jersey Surface Water Quality Standards, N.J.A.C. 7:9B, published at 41 N.J.R. 4735(a) (December 21, 2009), were duly adopted in accordance with the New Jersey Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the rulemaking procedures at N.J.A.C. 1:30. Thus, DAG Engel concluded that the amendments were duly adopted pursuant to State law.

That most recent adoption of N.J.A.C. 7:9B, included the readoption of N.J.A.C. 7:9B-1.5(b)(1) and N.J.A.C. 7:9B-1.14(h), which set forth the water quality criteria for waters under the jurisdiction of the Delaware River Basin Commission ("DRBC"). Specifically, N.J.A.C. 7:9B-1.14(h)(1)(i) provides that for the Mainstem Delaware River and Delaware Bay, parameters within the DRBC Water Quality Regulations are the applicable criteria. N.J.A.C. 7:9B-1.14(h)(2)(1) provides that for tributaries to the Mainstem Delaware River and Delaware Bay, parameters within the DRBC Water Quality Regulation or those contained in N.J.A.C. 7:9B-1.14(c) apply, whichever is more stringent.



July 27, 2023

Page 2

The DRBC provided notice that it adopted "Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Revise the Human Health Water Quality Criteria for PCBs in Zones 2 through 6 of the Delaware Estuary and Bay" as a final rule citation?? As such, the PCB criteria adopted by the DRBC in that rulemaking, may be implemented by the New Jersey Department of Environmental Protection as the water quality criteria in waters under the jurisdiction of the DRBC per N.J.A.C. 7:9B-1.5(b)(1) and N.J.A.C. 7:9B-1.14(h), as applicable.

Sincerely yours,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: _____
Kristen D. Heinzerling
Deputy Attorney General

Encl.